



AHENSIAN PRUTEKSION LINA'LA GUÅHAN

LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM  
WALTER S. LEON GUERRERO, ADMINISTRATOR

**Guam Environmental Protection Agency  
Board of Director's Meeting  
Thursday, April 18, 2019 @ 4:18 p.m.  
Main Office Conference Room**

**MINUTES**

- I. **Call to Order:** Chairman Robert Perron called the Board of Director's meeting to order at 4:18 p.m. The following individuals were present at the board meeting: Board Members: Robert Perron-Chairman, Steve Hollister, Ann Roth and Florida Sanchez and Steven Carrara (Vice Chair Terrence Brooks was not present). **Guam EPA Staff:** Walter S. Leon Guerrero, Administrator; Arlene S Acfalle, Kristan Finney; Brian Bearden; Conchita SN Taitano; Sabrina Cruz-Sablan; Jesse T. Cruz; Nicolas Rupley Lee; Connie Afilleje, Vilma Balajadia, Roland Gutierrez, **USEPA:** Carl Goldstein and John McCarroll, **Guests:** Joe Poncy (Innovate), Steven Carbullido, Moneka DeOro,
- II. **Approval of Agenda:** Director Roth made a motion to approve the agenda, seconded by Director Hollister. All voted in favor and motion passed.
- III. **Approval of Minutes:** Director Roth made a motion to approve the minutes, seconded by Director Hollister. All voted in favor and motion passed.
- IV. **Administrator's Report**
  - Administrator introduced our USEPA Representatives: John McCarroll, Administrator/Pacific Island Office, Mr. Carl Goldstein, Guam Program Manager as well as American Samoa and CNMI Program Manager, Mr. Joe Poncy from Innovate who is the contractor for USEPA putting together out WALTERS electronic data base expansion for more of the programs and coming up with ways to better serve the public, Ms. Moneka DeOro and Steve Carbullido, both who have been recently nominated to our Board. Their hearing is set for tomorrow, 04/19/19 at 1pm along with two (2) of our existing board members, namely, Bob and Ms. Flori. He also allowed them to introduce themselves and say a few words.
  - Monday, 04/22/19 is officially Earth Day. Our agency will be doing a cleanup at the Francisco Perez Beach, aka Pago Bay Beach. Administrator extends initiation to board to come out and participate. Our agency remains open but our office will be closed as we do our Earth Day cleanup project.
  - Thursday, 04/25/19, we will be having our first SERC/LEPC meeting basically for emergency preparedness. In talking with Joe (from Innovate) the electronic data base has a GEO platform and can perform live information while out on the field. We will be showcasing this to the other Emergency First Responders. In the event of an emergency, they can look at our GEO platform, to access a situation or the specifics to an emergency response situation to better ensure their safety and the community as well.
  - Wednesday, 04/24/19 we have the Consent Decree hearing regarding how GovGuam is going to continue maintaining payment for long-term monitoring of Ordod.

## V. Old Business:

- ***Navy NOV – Notice to Appeal***

Chairman states we still have these NOV's listed. No updates per Ms. Finney. Administrator stated per Mr. Ed Moon, he advised that both our legal counsel and their legal counsel have been instructed to "work it out". Ms. Finney explained "what we are working out isn't going to involve any payment. It's going to involve them taking responsibility for their contract. We have been in touch but need further communication. Ms. DeOro asked if this was the water issue. Administrator and Kristen both replied: no this is the pipeline in Agana Heights. Ms. DeOro asked if we were going to pay anything. Ms. Finney explained that the contractor was the NOVA group and they paid a penalty and so an additional NOV was issued to the Navy for a lack of oversight of the project.

Administrator stated we were putting them on notice/warning that if they cannot manage their contractors, in the future, both Navy and contractor will be issued penalties with fines.

- ***Nova Group, Inc. – Settlement Agreement Status.***

Administrator stated Fitz wrote letter and gave them opportunity to do the "sep", however the deadline came and past. Nothing finalized and will require an update. Per Ms. Finney no status on payment but they were informed that since they didn't come forward with a proposal for a "sep" that they have to pay the additional penalty.

Director Roth asked what the additional penalties was. Ms. Finney mentioned \$19K (something like that).

Director Roth inquired if they paid the other penalties? Administrator stated yes. Chairman asked if that was the ones that provided materials to that middle school. Administrator advised "no that was from the fire. That is the air "sep".

- ***Safe Drinking Water NOV/ Guam Waterworks Authority (GWA).***

Administrator asked Brian if they have any update in regards to the SOP's. Administrator advised he spoke with the Air Force in regards to their request for continuance, buying them more time for presentation. Per Brian he is still waiting on the SOP's. Administrator advised to please follow up so we can get out of this. Per Brian they will be meeting with Air Force to discuss the "sep" for drinking water violation and discuss their fines.

- ***RRF Rules and Regulations Draft – Update***

Administrator reiterated that the Board afforded his recommendation to pass the rules and regs last week, however there are still something's that need to be fleshed out. In their (Administrator and Chairman) meeting at the senators office, he spoke with staffer Cyrus who is also working on the RRF. So they sent out two (2) different tracks when the Board passed the RRF last month. Although it was with the senator's office, the AG's and Adelup, the Administrator called an internal review once more to try and make sure that everyone is ready to move forward. I want this rectified as soon as possible said the Administrator. He stated it will be presented the next board meeting. Chairman recommended we call a special meeting. Administrator apologized for resubmittal because he was not comfortable so he will pull it back and asked to be excused for failure on his part. Board decided to not adjourn meeting but to do a recess/continuance for the RRF.

- ***PIEC Update***

Ms. Conchita advised we are down to 13 available seats out of 300. We need to discuss additional cost for food and beverage. Actively engaging in media / press release. Online registration ends May 1<sup>st</sup>. Gifts for speakers/ dignitaries and merchandise are being ordered. Instead of the mural we are doing interactive art display. Working with BSP who is donating \$23K. Board and USEPA will also get a PIEC uniform and coordinate for a group photo.

## VI. New Business:

- ***Presentation of Proposed Revision to the Recreational Beach Monitoring Plan: Guam Coastal Waters***  
Jesse Cruz apologized for not having the presentation ready for this meeting. Request to postpone it till next meeting under "Old Business" he will have it ready. (Jesse was acting administrator in Walter's absence)  
Approved by Board.

- ***Confirmation of new Board Secretary – Arlene Acfalle***

Chairman introduced Arlene Acfalle to the Board as new Board Secretary. Motion to approve by Director Steve Carrara, seconded by Director Sanchez. All in favor and motion passed.

## VII. New Meeting Date/ Recess

Recessed till April 25, 2019 at 4pm. Director Carrera motion to approve, seconded by Director Sanchez. All in favor and motion passed. Continuance meeting was rescheduled for April 30<sup>th</sup>.

**Guam Environmental Protection Agency Board Meeting  
(Continuance from April 18, 2019)**

- I. Call to Order:** Continuance meeting called by Chairman Robert Perron at 4:20pm on April 30, 2019. The following individuals were present at the board meeting: **Board Members:** Robert Perron-Chairman, Terrace Brooks-Vice-Chairman, Steve Hollister, Ann Roth and Florida Sanchez, Steven Carrara  
**Guam EPA Staff:** Walter S. Leon Guerrero-Administrator, Arlene S Acfalle, Kristan Finney; Connie Afleje, Brian Bearden, Sabrina Cruz-Sablan, Nicolas Rupley Lee, and Roland Gutierrez.

- *Continuance of RRF Rules and Regulations*

Administrator thanked the board for reconvening. Ms. Sabrina mentioned we have made amendments to the rules based on comment from legal counsel and we hope we have a product we all agree on. Legal counsel had other concerns that were minor and we took care of that internally. She had concerns about the statements from BBMR and BSP in regards to EIS. Ms. Sabrina advised the board that all the information that was given in the past is the same except now it is reconciled and it's the statement from Guam EPA. Nic provided clarity on what the confusion was and that is to determine if the agency had any qualifications to be exempt from the Economic Tax Statement. BBMR didn't feel we were but they suggested we seek guidance from DOL or BSP. So we chose BSP. BSP felt that we were exempted so we took both correspondences and formulated the economic impact statement based on the financial activity that takes place for the fund and what our agency perceives as lack of adverse impact toward the general public which was also agreed upon by BSP. Administrator reminded that this is money that is already being generated from the people of Guam through every registered vehicle. Our projects would not cost the consumer any more money.

Chairman asked legal counsel if she was representing the OAG as well. Ms. Finney advised she was assigned to review the previous version and did have concerns however they have been addressed already. Chairman recused himself from voting due to he attended the public hearing as a recycler, because as a recycler it may have a potential impact on his business. Chairman advised we can still vote since we still have quorum with the presence of Vice Chair Brooks during the continuance hearing.

Ms. Finney asked if the Board will be more comfortable if we went over the rules. Board agreed.

- Junk Vehicle – It is in the statute which is already law.
- Section 24302C – Administrator will determine the funding for initiatives every year for Board approval
- Current Initiatives
  - Mayors Council Island Wide Environmental Clean Up Program – Section 24303.1.
  - Recycling Industry Stimulus Program – 24303.2
- Projects being worked on
  - Solid Waste Management Plan
  - Guam Beverage Container Plan
  - Green Waste Plan
  - Zero Waste Program
  - Integrated Solid Waste Plan

Director Hollister questioned as to the difficulty of adding new plans in the future to the RRF. Administrator advised we currently don't have full authority but when the RRF is approved Senator Perez's office will grant us the ability and authority to move forward with proper regulations. Vice Chair asked if there were any more questions. Director Hollister asked if we approved the RRF, would only Guam EPA decide where funds go and this was concurred by Administrator. He also asked if the mayors' office still does the abandoned vehicle program. Administrator advised yes but they currently get direct funding from legislature.

Director Roth motioned to approve the RRF seconded by Director Sanchez. All in favor and motion passed.

- II. Meeting adjourned at 4:45pm. Next Board meeting scheduled for May 23, 2019 at 4:00pm.**

